IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 30798 of 2003(N)

PETITIONER:

T.S.REGHUNATH,
LAKSHMI NIVAS, BANGLAPARAMBU,
THATHAMANGALAM P.O., PALAKKAD.

BY ADV. SMT.V.P.SEEMANDINI (SR.),
ADV. SRI.M.R.ANISON.

RESPONDENTS:
----

1. **STATE OF KERALA,**
   REP. BY ITS SECRETARY TO GOVT., SCHEDULED CASTE & SCHEDULED TRIBE DEVELOPMENT DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. **THE TAHSILDAR,**
   TALUK OFFICE, CHITTOOR, PALAKKAD.

3. **THE DIRECTOR,**
   DIRECTORATE OF AYURVEDA, MEDICAL EDUCATION, AROGYABHAVAN, M.G. ROAD, THIRUVANANTHAPURAM.

BY SPL. GOVT. PLEADER SRI. S. SANTHOSH KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.30798 OF 2003

Dated this the 2nd day of November, 2007

JUDGMENT

The petitioner, T.S.Reghunath, is the son of Sri.T.A.Srinivasan, who was the first petitioner in O.P.No.8611/94, which was allowed by this Court as per Ext.P4 judgment, setting aside the Government Order on the basis of KIRTADS report, by which, he was held to be a person belonging to the Thandan community and therefore, not entitled to the benefits of reservation available to members of that community. By doing so, this Court left open the liberty of the competent authorities to take appropriate action in terms of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996, after noticing that the said Statute provides full fledged procedures in matters relating to grant or cancellation of such certificates. It was also clarified by this Court in Ext.P4 judgment that until the competent authority takes action under that Statute, the petitioners in that writ petition would be governed by the certificates already issued to

them and those certificates will have force under Section 30 of Act 11 of 1996.

2. The petitioner in this case is none other than one of the sons of the first petitioner in Ext.P4 case. Under such circumstances, the Tahsildar has acted without authority in passing the impugned orders, denying the declaration of the caste status of the petitioner by virtue of his right to claim such status being the son of Srinivasan, the first petitioner in Ext.P4 writ petition.

For the aforesaid reasons, the impugned Ext.P15 is quashed with leave and liberty to the competent authority to take appropriate action in accordance with law, in terms of Act 11 of 1996, also following what is stated in Ext.P4 judgment. The writ petition is allowed as above. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.